IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 656 of 2007

Date of Decision : 16.04.2007

Amarjit Singh

…. Petitioner

Versus

State of Punjab

…. Respondent

CORAM : HON'BLE MR. JUSTICE S.D. ANAND

Present : Mr. Sanjiv Pandey, Advocate,
for the petitioner.

S.D. Anand, J.

The present revision petition has been filed by the petitioner-accused who was convicted by the learned Addl. Chief Judicial Magistrate, Fatehgarh Sahib vide judgment dated 22.12.2003 for offences under Section 279, 338, 304-A I.P.C. That finding was upheld by the learned Additional Sessions Judge, Fatehgarh Sahib vide judgment dated 24.03.2007.

Learned counsel for the petitioner argues that the impugned finding suffers from serious legal infirmity inasmuch as the Trial Magistrate could not have recorded a finding of conviction in the light of its own finding that the investigating officer had conducted a faulty investigation.

The present is a matter in which the finding recorded by the learned Trial Magistrate had been affirmed by the learned Addl.

Sessions Judge, Fatehgarh Sahib. The prosecution version was fully supported by PW1 Kamal Manjit Singh complainant/eye witness of the impugned occurrence. He had categorically testified that the impugned accident had occurred on account of rash and negligent driving of the offending vehicle by the petitioner. He had, in a categorical way, detailed the manner in which the impugned occurrence had taken place. The petitioner was named in the FIR. The aspect of faulty investigation by the Investigating Officer notwithstanding, there was adequate material on the file to prove that the impugned accident occurred because the petitioner had taken Tata Sumo vehicle driven by him to the wrong hand side of the road. Though the investigating officer is proved to have purposely prepared a wrong side plan, it does not detract from the evidentiary value attachable to the testimony on oath of PW1 Kamal Manjit Singh and PW2 Manjit Singh. There is no legal infirmity in the impugned judgments which would call for any interference by this Court.

This petition shall stand dismissed.

April 16, 2007 ( S.D. Anand )
vkd Judge